

Highlights of Litigation on Equality and Adequacy of Education Funding

States where plaintiffs prevailed	States where the state prevailed	States where no court decision issued
27	21	6 (Delaware, Hawaii, Iowa (2002 suit settled), Mississippi, Nevada, Utah)

Successful plaintiffs' theories

- unequal or disparate funding of education in violation of:
 - state constitution provision on education
 - state constitution equal protection provision (education is a fundamental right)
 - federal constitution equal protection provision
- inadequate funding of education
 - state constitution provision on education

Basis of court decisions in favor of state

- equity or adequacy of education funding is a legislative, not judicial, matter
- absolute equality of education funding not required
- education is not a fundamental right and there is a rational basis for the state's system of funding education (re: equal protection argument)

Claims of unequal or inadequate funding may relate to funding for:

- operations
- capital facilities
- overall education system (operations and capital facilities)